

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EDGAR RAGLAND,	§
	§ No. 46, 2009
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID No. 0606001306
	§
Plaintiff Below-	§
Appellee.	§

Submitted: February 13, 2009

Decided: February 19, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

**ORDER**

This 19<sup>th</sup> day of February 2009, it appears to the Court that:

(1) On February 3, 2009, the appellant filed a notice of appeal from the interlocutory recommendation of the Superior Court commissioner, docketed on January 7, 2009, which recommended that the Superior Court deny the appellant's motion for postconviction relief pursuant to Superior Court Criminal Rule 61.<sup>1</sup>

(2) On February 4, 2009, the Clerk of the Court issued a notice directing the appellant to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for this Court's lack of

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<sup>1</sup> Super. Ct. Crim. R. 62.

jurisdiction to consider an appeal directly from the recommendation of a Superior Court commissioner. On February 13, 2009, the appellant filed a response to the notice to show cause. He claims that the recommendation of the Superior Court commissioner is a final order and asks this Court to accept his appeal.

(3) Under the Delaware Constitution, only a final judgment may be reviewed by this Court in a criminal case.<sup>2</sup> Moreover, this Court's appellate jurisdiction is limited to decisions of judges of courts.<sup>3</sup> As such, this Court has no jurisdiction to review this interlocutory appeal from the recommendation of the Superior Court commissioner and, therefore, the appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 29(b), this appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>2</sup> Del. Const. art. IV, § 11(1) (b); *Rash v. State*, 318 A.2d 603 (Del. 1974); *State v. Cooley*, 430 A.2d 789 (Del. 1981).

<sup>3</sup> *Redden v. McGill*, 549 A.2d 695 (Del. 1988); Del. Code Ann. tit. 10, § 512.